

August 19, 2016

VIA ECF

The Honorable Edgardo Ramos
United States District Court for the
Southern District of New York
40 Foley Square, Courtroom 619
New York, New York 10007

Re: *Sheet Metal Workers Pension Plan of Northern California
v. Bank of America Corporation*, No. 16-cv-04603 (ER)

Dear Judge Ramos:

We write in response to the Court's July 19, 2016 Order directing the parties in this action to submit a status letter in this case.¹ We have provided this letter to defendants' counsel, who concur in its filing.

We are enclosing a copy of a Stipulation, dated August 19, 2016, which is being filed today in this action as well as the other Related Actions by email to the Court's Orders and Appeals Clerk. By way of summary, the Stipulation:

1. Provides for a waiver of service of process by signatory defendants, with an express reservation by those defendants of their right to contest whether any party in the Related Actions is properly named, and without waiver of any defenses, including those related to personal jurisdiction and venue (¶1);
2. Stays the defendants' time to move or answer (¶2);

¹ There are several other actions containing substantially similar allegations. These actions are: *Asbestos Workers Philadelphia Welfare and Pension Fund v. Bank of America, N.A.*, No. 16-cv-5269, *Atlanta Firefighters Pension Fund v. Bank of America, N.A.*, No. 16-cv-4151, *Boston Retirement System v. Bank of America, N.A.*, No. 16-cv-3711, *Bristol Pension Fund v. Bank of America Corporation*, No. 16-cv-5203, *Louisiana Sheriff's Pension & Benefit Fund v. Bank of America, N.A.* No. 16-cv-4485, *Inter-Local Pension Fund Graphic Communications Conference of the International Brotherhood of Teamsters v. Bank of America Corporation*, No. 16-cv-5011, *Painters and Allied Trades District Council No. 35 Pension Fund v. Bank of America N.A.*, No. 16-cv-5755, and *Oklahoma Police Pension and Retirement System v. Bank of America Corporation*, No. 16-cv-6133 (together with this action, the "Related Actions"). Plaintiffs' counsel in those actions are also signatories to this letter.

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3. Requests the consolidation of the Related Actions, and any related cases subsequently filed in the Southern District of New York, under No. 16-cv-03711 (¶3); and

4. Provides a proposed schedule for the case going forward (¶4).

More specifically, regarding the proposed case schedule, ¶4(a) of the Stipulation calls for plaintiffs to file motions for appointment of interim lead counsel within 60 days of the Court So Ordering the Stipulation. Once the Court appoints interim lead counsel, the parties will have 21 days to meet and confer for the purpose of:

1. Setting a proposed date for plaintiffs to file a consolidated amended complaint (¶4(b)(i));
2. Establishing a proposed briefing schedule for defendants' motions to dismiss (¶4(b)(ii));
3. Requesting the Court to schedule a status conference ((¶4(b)(iii)); and
4. Providing a proposed conference agenda (¶4(b)(iv)).

Finally, the Stipulation provides that if a related case is filed in another judicial district – thus likely giving rise to proceedings before the Judicial Panel on Multidistrict Litigation – the parties will promptly meet and confer regarding possible adjustments to matters covered by the Stipulation (¶5).

Respectfully submitted,

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Enclosure